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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,731	03/31/2000	Hans Eberle	1004-4254	1939
22120	7590	10/15/2004	EXAMINER	
ZAGORIN O'BRIEN & GRAHAM, L.L.P. 7600B N. CAPITAL OF TEXAS HWY. SUITE 350 AUSTIN, TX 78731			NGUYEN, PHUOC H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/540,731	EBERLE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Phuoc H. Nguyen	2143

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See below.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 7.

Claim(s) objected to: 6,20,21,25 and 26.

Claim(s) rejected: 1-5,8-19,22-24 and 27-37.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.
9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10.  Other: \_\_\_\_\_

Part 5(c): In general, Grant reference disclose a plurality of initiator nodes coupled to send packets, into the network, and a plurality of target nodes coupled to receive packets sent into the network Grant - Abstract); and a plurality of pipeline stages for transmitting data across the network Grant - col. 5, lines 34-35), each pipeline stage consuming a predetermined time period, thereby providing for a predetermined time period for transmission for each packet successfully sent between one of the initiator nodes and one of the target nodes (Grant - Abstract, col. 5, lines 36-47 and col. 5, lines 62-65), the pipelined stages including an arbitration stage Grant - service request phase) col. 5, lines 36-41), arbitration logic coupled to the initiator nodes, the pipelined network, and the target nodes, wherein for a particular transfer, the arbitration logic is couple to receive an indication from a particular target node for the particular transfer as to whether the particular transfer can be supported in the particular target last paragraph through col. 11 1<sup>st</sup> paragraph).

In addition, the applicant argues in pages 2-3 and 4 for claims 1, 18, and 37 respectively that the above cited reference by Grant does not disclose, teach or suggest the arbitration logic is coupled to receive an indication from a particular target node for the particular transfer as to whether the particular transfer can be supported in the particular target node. The examiner respectfully submits that the cited above features are further clearly stated in col. 10 lines 38-51 wherein the arbitration logic (e.g as network controller as NC logic) is coupled to receive an indication (e.g. busy flag as one of condition in col. 10 lines 47-48) from a particular target node for the particular transfer as to whether the particular transfer can be supported in the particular target node (between the server and originator as client).

In page 3, the applicant argues for claim 4 that the cited reference does not disclose the pipeline stage have equal length. To further clarify the cited reference by Grant, the examiner respectfully submits Figures 14-17 as indications of the pipeline stage have equal length wherein each of processing signal/packet is taken with same interval of time.

In page 3, the applicant argues for claim 5 that the cited reference does not disclose a checking stage wherein the initiator node checks if transmission of a sent packet was successful. The examiner respectfully submits that Figure 8 of the cited reference by Grant further clearly discloses the step of checking the transmission of sent packets by acknowledging which is standard in TCP/IP communication.

In page 4, the applicant argues for claim 31 that the cited reference does not disclose a path through the network for packet communication. The examiner respectfully submits that Figure 3 discloses the switching matrix (e.g. 80) which defined a path through the network for packet communication based on the previous communication between server and originator.

William C. Vaughn  
Primary Examiner  
Art Unit 2143  
William C. Vaughn, Jr.